

April 11, 1974

PRESIDENT: All right, Senator Nore. The motion is just to return the bill.

SENATOR NORE: Mr. President, I favor the Stahmer move for the reason that we put this amendment on to get rid of the bill. Now I know that Senator Chambers didn't have that in mind but I did. So I think it's a good thing to get rid of it.

PRESIDENT: Any further discussion? All right. Senator Stahmer is closing on his motion to return the bill. Senator Stahmer.

SENATOR STAHMER: Mr. President and members of the Body. I have what I think is one of the best attorneys in Omaha and he said the severability has no pertinence in state legislation. The Supreme Court is fully free to do as they will on sections or portions of bills and without any need for severability clauses. If this is so important and eventually the Supreme Court does rule, which it possibly never will, Senator Chambers will be back. He can get whatever he wants. I won't be back. Don't leave me with this goose-egger around my neck, please. Move the question.

PRESIDENT: The Question is, shall LB678 be returned to Select File for specific amendment. That is to strike the enacting clause. All those in favor of returning the bill, vote aye. All those opposed vote no. Motion is to return LB678 to Select File and that is to strike the enacting clause. Have you all voted? Once again, have you all voted? Clerk will record.

CLERK: 30 ayes, 13 nays, 6 not voting.

PRESIDENT: All right, the bill's back on Select File and for all practical purposes, it'll die there, Senator Stahmer. Thank you.

SENATOR STAHMER: Thank you.

PRESIDENT: Continue with the Final Reading of LB681.

CLERK: Read LB681.

SENATOR WARNER: A point of information. LB678 was brought back to Select File for specific amendment. I would assume that if we...if someone would again move to advance the bill, it would go back and take this same exact position on Final Reading. It could be read today until the rules and the constitution so it would seem to me that we should take the amendment up which was to strike the enacting clause.

PRESIDENT: Well, we will if we get to Select File but we aren't to Select File yet.

SENATOR WARNER: It was mentioned on the floor that the bill is dead and it is not dead yet.

PRESIDENT: No, that's correct, it is not. That's correct.

SENATOR WARNER: It could be read.

PRESIDENT: It could be, that's right. But in order to take it up, you'd have to suspend the rules in order to take it up. If you're on Final Reading...but you're under suspension of the rules already in order to read as we are reading. Okay, you know. Continue with Final Reading of LB683.